



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,418	12/29/1999	RONALD G. KENNEDY	GEM-30834	2216

27061 7590 02/03/2003

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)  
14135 NORTH CEDARBURG ROAD  
MEQUON, WI 53097

EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT PAPER NUMBER

2142

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/474,418

Applicant(s)

KENNEDY, RONALD G.

Examiner

William C. Vaughn, Jr.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Action is in response to the Request for Reconsideration received 12 November 2002.
2. Paper #6, received 12 November 2002 has been entered into record.
3. The application has been examined. **Claims 1-24** are pending. The objections and rejections cited are as stated below:

#### *Claim Rejections - 35 USC § 103*

4. Claims 1-24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,445 to Babula in view of what was well known in the art at the time the invention was made.
5. Regarding claim 1, Babula teaches a remote servicing communication system for in-field product comprising:
  - at least one on-line center [**column 6, line 52**] having access to service software [**column 6, lines 41-45 & 56-58**] at a centralized facility [**column 4, lines 31-32 service facility**] so as to service in-field product remotely [**column 6, lines 25-26**];
  - an in-field product [**figure 1, medical diagnostic systems 12**] at a customer site [**figure 1, medical facility 20**] [**column 6, lines 14-20**];
  - at least one portable service interface [**figure 1, field service unit 24**] operable with the in-field product at the customer site [**column 4, lines 33-36**] and having software [**column 6, lines 41-48 & column 11, lines 6-11**] for communication with the on-line center [**column 6, lines 31-33**];

a first communications link connecting the portable service interface to the on-line center **[figure 1, remote access network 80]**; and

a second communications link connecting the portable service interface with the in-field product to complete a connection between the in-field product and the on-line center through the portable service interface **[figure 1, remote access network 80]**.

Babula does not explicitly teach an in-field product that is not readily capable of direct communication with the on-line center. However, Babula does disclose conventional scanners not suitable for interaction with service centers or that impose on a user **[column 2, lines 38-44]**. Babula further teaches that any suitable network connection may be employed **[column 6, lines 27-28]**. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate scanners not readily capable of direct communication because it is conventional to implement such network connections as an alternative or backup connection.

6. Regarding claim 2, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connection between the in-field product and the on-line center is utilized to conduct a diagnostic evaluation of the infield product **[column 7, lines 5-13 & column 4, lines 55-60]**.

7. Regarding claim 3, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the in-field product is a medical image scanner and the on-line center contains service software designed for utilization with a wide variety of medical image scanners **[column 4, lines 43-50 variety of medical diagnostic system modalities]**, and

wherein after the portable service interface sends a data message identifying the medical image scanner **[column 4, lines 50-53]**, the on-line center selects service software based on the

Art Unit: 2142

medical image scanner identification **[column 4, lines 51-54 data specifically adapted to the system modality]** and automatically downloads the selected service software to the medical image scanner **[column 4, lines 51-54 data transmitted]** or executes the selected service software from the portable service interface.

8. Regarding claim 4, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connection between the in-field product and the on-line center is utilized to access data from the on-line center **[column 7, lines 5-13]**.

9. Regarding claim 5, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the accessed data from the on-line center includes at least one of a configuration file, a golden file, a protocol and a software program **[column 10, lines 10-13]**.

10. Regarding claim 6, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the portable service interface sends a data message signal to the on-line center **[column 10, lines 66-67 & column 11, lines 25-31]** identifying the in-field product **[column 4, lines 50-53]** such that the on-line center selects service software specifically designed for the in-field product **[column 4, lines 51-54]**.

11. Regarding claim 7, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the second communication link connecting the portable service interface to the in-field product is one of a serial cable and a local area network cable **[figure 1, remote access network 80 & column 7, lines 2-5]**.

12. Regarding claim 8, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the portable service interface is a laptop computer **[column 11, lines 58-60]** having loaded therein remote resource communications software **[column 11, lines 36-39]** to

automatically communicate with the on-line center and transfer data therebetween [**column 11, lines 43-47**].

13. Regarding claim 9, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connection to the on-line center provides access to a remote on-line support engineer to provide real time assistance with the in-field product through the portable service interface [**column 6, lines 52-56**].

14. Regarding claim 10, Babula teaches the invention as claimed as noted above. Babula further teaches a method of providing remote service communication between an on-line center and an in-field product at a customer site where the in-field product is not readily capable of direct communication with the on-line center comprising:

loading on-line center connectivity software on a portable service interface [**column 11, lines 6-11**]

connecting the portable service interface to the in-field product [**figure 1, network 80**];

electronically connecting the on-line center with the portable service interface [**figure 1, network 80**];

accessing data from the in-field product with the portable service interface [**column 11, lines 43-47**]; and

interfacing between the on-line center and the in-field product with the portable service interface [**column 12, lines 1-5**].

15. Regarding claim 11, Babula teaches the invention as claimed as noted above. Babula further teaches the steps of transmitting data identifying the in-field product to the on-line center for evaluating and servicing the in-field product [**column 11, lines 36-39 & column 12, lines 60-**

Art Unit: 2142

**64]**, and automatically selecting service software at the on-line center **[column 12, lines 7-8]**, and generating in-field product evaluation information and displaying the in-field product evaluation information **[column 10, lines 45 & 52-53]** on the portable service interface **[column 12, lines 1-5 & column 10, lines 66-67 & column 11, lines 1-6]**.

16. Regarding claim 12, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the interfacing step includes accessing data from the on-line center including at least one of a configuration file, a golden file, a protocol and a software program **[column 10, lines 10-13 & column 13, lines 33-35]**.

17. Regarding claim 13, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the in-field product is a medical image scanner **[column 4, lines 43-46 MRI & lines 66-67]** and further comprises automatically selecting at the on-line center service software based on a specific identification of the medical image scanner **[column 4, lines 51-54 data specifically adapted to the system modality]**.

18. Regarding claim 14, Babula teaches the invention as claimed as noted above. Babula further teaches further comprising the step of automatically checking whether a field service engineer requests an analysis/evaluation **[column 11, lines 36-38]**, and if so, transmitting system data to the in-field product **[column 16, lines 58-62]** and performing an analysis /evaluation of the in-field product **[column 17, lines 15-17]**.

19. Regarding claim 15, Babula teaches the invention as claimed as noted above. Babula further teaches further comprising displaying results of the analysis/evaluation so that the field service engineer can monitor the analysis/evaluation **[column 19, lines 8-23 and figure 9]**.

20. Regarding claim 16, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connecting step further includes connecting the portable service interface to the in-field product by one of a serial cable and a local area network cable [**figure 1, remote access network 80 & column 7, lines 2-5**].

21. Claims 17 and 18 contain similar limitations corresponding to the method claimed in claims 15 and 16; therefore claims 17 and 18 are rejected under the same rationale.

22. Regarding claim 19, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the electronically accessing step occurs through a global computer network system [**column 6, lines 25-31 Internet**].

23. Claim 20 is the method claim corresponding to the system claimed in claim 9; therefore claim 20 is rejected under the same rationale.

24. Claim 21 contains similar limitations corresponding to the method claimed in claim 10 and 11; therefore claim 21 is rejected under the same rationale.

25. Claim 22 is the method claim corresponding to the system claimed in claim 3; therefore claim 2 is rejected under the same rationale.

26. Claim 23 contains similar limitations corresponding to the method claimed in claim 15; therefore claim 23 is rejected under the same rationale.

27. Claim 24 contains similar limitations corresponding to the method claimed in claim 14 and 15; therefore claim 24 is rejected under the same rationale.

### ***Response to Arguments***

28. Applicant's arguments filed on 12 November 2002 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future



presentation of this argument, the Examiner thinks that it is prudent to address applicants' main points of contention.

a. Applicant request that the Examiner provide a reference that supports "that it is well known in the art at the time the invention was made for an in-field product that is not readily capable of direct communication with the on-line center." Also, Applicant contends that Babula does not disclose a first communication link connecting the portable service interface to the online center and a second communications link connecting the portable service interface to the online with the in-field product to complete a connection between the in-field product and the online center through the portable service unit.

29. As to "Point A", Applicant request that the Examiner provide references that support, that it is well known in the art at the time the invention was made for an in-field product that is not readily capable of direct communication with the on-line center." The Examiner is providing Lee, U.S. Patent No. 6,442,432 which discloses this particular feature [see Lee, Figure 2, Col. 10, lines 40-67, Col. 11, lines 1-44, Col. 14, lines 53-65], (utilizing Applicant's specification as a guide for interpreting the claim language, see Applicant's specification, pages 7 and 9).

Examiner is also providing Canfield, II et al. (Canfield), U.S. Patent No. 5,897,498, which also discloses the particular features of a first and second communication link [see Canfield, Figure 2, Col. 9, lines 49-57]. Applicant has not stated specifically within the specification the type of communication link (i.e., Ethernet, wireless, etc). Applicant has not clarified "what direct communication with an on-line center" means. So it is the Examiner's position that Babula could also be interpreted as teaching an in-field product being in direct communication with an online-center. It is also obvious to one of ordinary skill in the networking art for the devices of

Art Unit: 2142

Babula to have the capability to not only communicate with the medical diagnostic systems but also the centralized service facility.

30. Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. Is it Applicant's position that the novelty of there invention lies in the fact that a communication device has multiple communication links? If so, this is an extremely well known teaching in the networking art. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. It is advised that, in order to further expedite the prosecution of the application in response to this action, Applicant should amend the base claims to describe in more narrow detail the true distinguishing functionality features of Applicant's claim (i.e., Figure 2, lines 4-21 and page 15, lines 1-2 of Applicant's specification). As it is extremely well known and widely implemented in the networking art for in-field product to not readily be capable of direct communication with an on-line center as already indicated within the Babula as well as numerous cited prior art, in addition to other claimed features of Applicant's invention. It is also unclear and indefinite as to the meaning of not readily capable of direct communication with an on-line center. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claim invention.

31. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

***Conclusion***

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the


Art Unit: 2142

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

WCV

WCV  
Patent Examiner  
Art Unit 2142  
January 23, 2003

  
MARK POWELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100